

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DINO ANTOLINI,

Plaintiff,

-against-

CHRISTOPHER & SEVENTH REALTY LLC,
PATRICK DALEY and 15 ACRES INC.,

Defendants.
-----X

Docket No.: 18-CV-10767 (JMF)

AMENDED ANSWER
OF ALL DEFENDANTS

Defendants, CHRISTOPHER & SEVENTH REALTY LLC, PATRICK DALEY and 15 ACRES INC., by their attorneys, MIRANDA SLONE SKLARIN VERVENIOTIS LLP, as and for their amended answer to the plaintiff's complaint:

1. Deny each and every allegation contained in paragraph "1" of the complaint, except admit that 15 Acres Inc. is the tenant in a building owned by Christopher & Seventh Realty LLC.

2. Deny each and every allegation contained in paragraph "2" of the complaint.

3. Deny each and every allegation contained in paragraph "3" of the complaint, except admit that this Court has jurisdiction over this matter pursuant to 42 U.S.C. § 12188 and 28 U.S.C. §§ 1331 and 1343.

4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "4" of the complaint, except admit venue is proper.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" of the complaint.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of the complaint.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “7” of the complaint.

8. Deny each and every allegation contained in paragraph “8” of the complaint, except admit that 15 Acres Inc. and Christopher & Seventh Realty LLC do business in New York.

9. Deny each and every allegation contained in paragraph “9” of the complaint, except admit that the property was leased by 15 Acres Inc., not Patrick Daley individually.

10. Deny each and every allegation contained in paragraph “10” of the complaint, except admit that there is a lease between tenant 15 Acres Inc. and the landlord Christopher & Seventh Realty LLC.

11. Deny each and every allegation contained in paragraph “11” of the complaint, and respectfully refer all questions of law to the Court.

12. Deny each and every allegation contained in paragraph “12” of the complaint and respectfully refer all questions of law to the Court.

13. Deny each and every allegation contained in paragraph “13” of the complaint.

14. Deny each and every allegation contained in paragraph “14” of the complaint.

15. Deny each and every allegation contained in paragraph “15” of the complaint.

16. Deny each and every allegation contained in paragraph “16” of the complaint.

17. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “17” of the complaint.

18. Deny each and every allegation contained in paragraph “18” of the complaint and respectfully refer all questions of law to the Court.

19. Deny each and every allegation contained in paragraph “19” of the complaint and respectfully refer all questions of law to the Court.

20. Deny each and every allegation contained in paragraph “20” of the complaint and respectfully refer all questions of law to the Court.

21. Deny each and every allegation contained in paragraph “21” of the complaint and respectfully refer all questions of law to the Court.

22. Deny each and every allegation contained in paragraph “22” of the complaint and respectfully refer all questions of law to the Court.

23. Deny each and every allegation contained in paragraph “23” of the complaint.

24. Deny each and every allegation contained in paragraph “24” of the complaint.

25. Deny each and every allegation contained in paragraph “25” of the complaint.

26. Deny each and every allegation contained in paragraph “26” of the complaint and respectfully refer all questions of law to the Court.

27. Deny each and every allegation contained in paragraph “27” of the complaint.

28. Deny each and every allegation contained in paragraph “28” of the complaint.

29. Deny having knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “29” of the complaint.

30. Deny having knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “30” of the complaint.

31. As to paragraph “31,” repeat the denials set forth above in answer to the allegations contained in paragraphs “1” through “30” of the complaint as if fully set forth herein.

32. Deny having knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “32” of the complaint.

33. Deny each and every allegation contained in paragraph “33” of the complaint and respectfully refer all questions of law to the Court.

34. Deny each and every allegation contained in paragraph “34” of the complaint and respectfully refer all questions of law to the Court.

35. Deny each and every allegation contained in paragraph “35” of the complaint.

36. Deny each and every allegation contained in paragraph “36” of the complaint.

37. Deny each and every allegation contained in paragraph “37” of the complaint and respectfully refer all questions of law to the Court.

38. Deny each and every allegation contained in paragraph “38” of the complaint and respectfully refer all questions of law to the Court.

39. Deny each and every allegation contained in paragraph “39” of the complaint and respectfully refer all questions of law to the Court.

40. Deny each and every allegation contained in paragraph “40” of the complaint and respectfully refer all questions of law to the Court.

41. Deny each and every allegation contained in paragraph “41” of the complaint and respectfully refer all questions of law to the Court.

42. Deny each and every allegation contained in paragraph “42” of the complaint and respectfully refer all questions of law to the Court.

43. Deny each and every allegation contained in paragraph “43” of the complaint and respectfully refer all questions of law to the Court.

44. Deny each and every allegation contained in paragraph “44” of the complaint and respectfully refer all questions of law to the Court.

45. Deny each and every allegation contained in paragraph “45” of the complaint and respectfully refer all questions of law to the Court.

46. Deny the allegations contained in paragraph “46” of the complaint.

47. Deny each and every allegation contained in paragraph “47” of the complaint.

48. Deny each and every allegation contained in paragraph “48” of the complaint.

49. As to paragraph “49,” repeat the denials set forth above in answer to the allegations contained in paragraphs “1” through “48” of the complaint as if fully set forth herein.

50. Deny having knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “50” of the complaint.

51. Deny each and every allegation contained in paragraph “51” of the complaint.

52. Deny each and every allegation contained in paragraph “52” of the complaint and respectfully refer all questions of law to the Court.

53. Deny each and every allegation contained in paragraph “53” of the complaint and respectfully refer all questions of law to the Court.

54. Deny each and every allegation contained in paragraph “54” of the complaint and respectfully refer all questions of law to the Court.

55. Deny each and every allegation contained in paragraph “55” of the complaint.

56. Deny each and every allegation contained in paragraph “56” of the complaint.

57. Deny each and every allegation contained in paragraph “57” of the complaint.

58. Deny each and every allegation contained in paragraph “58” of the complaint.

59. As to paragraph “59,” repeat the denials set forth above in answer to the allegations contained in paragraphs “1” through “58” of the complaint as if fully set forth herein.

60. Deny having knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “60” of the complaint.

61. Deny each and every allegation contained in paragraph “61” of the complaint and respectfully refer all questions of law to the Court.

62. Deny each and every allegation contained in paragraph “62” of the complaint and respectfully refer all questions of law to the Court.

63. Deny each and every allegation contained in paragraph “63” of the complaint and respectfully refer all questions of law to the Court.

64. Deny each and every allegation contained in paragraph “64” of the complaint and respectfully refer all questions of law to the Court.

65. Deny each and every allegation contained in paragraph “65” of the complaint and respectfully refer all questions of law to the Court.

66. Deny having knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “66” of the complaint and respectfully refer all questions of law to the Court.

67. Deny the allegations contained in paragraph “67” of the complaint.

68. Deny each and every allegation contained in paragraph “68” of the complaint and respectfully refer all questions of law to the Court.

69. Deny each and every allegation contained in paragraph “69” of the complaint.

70. Deny each and every allegation contained in paragraph “70” of the complaint.

71. Deny each and every allegation contained in paragraph “71” of the complaint.

72. Deny each and every allegation contained in paragraph “72” of the complaint.

73. Deny each and every allegation contained in paragraph “73” of the complaint.

74. Deny each and every allegation contained in paragraph “74” of the complaint.

75. As to paragraph “75,” repeat the denials set forth above in answer to the allegations contained in paragraphs “1” through “74” of the complaint as if fully set forth herein.

76. Deny each and every allegation contained in paragraph “76” of the complaint and respectfully refer all questions of law to the Court.

77. Deny each and every allegation contained in paragraph “77” of the complaint and respectfully refer all questions of law to the Court.

78. Deny each and every allegation contained in paragraph “78” of the complaint and respectfully refer all questions of law to the Court.

79. As to paragraph “79,” repeat the denials set forth above in answer to the allegations contained in paragraphs “1” through “78” of the complaint as if fully set forth herein.

80. Deny each and every allegation contained in paragraph “80” of the complaint.

81. Deny each and every allegation contained in paragraph “81” of the complaint and respectfully refer all questions of law to the Court.

82. Deny each and every allegation contained in paragraph “82” of the complaint.

83. Deny each and every allegation contained in paragraph “83” of the complaint.

84. Deny each and every allegation contained in paragraph “84” of the complaint.

85. Deny each and every allegation contained in paragraph “85” of the complaint.

86. Deny each and every allegation contained in paragraph “86” of the complaint.

87. Deny each and every allegation contained in paragraph “87” of the complaint and respectfully refer all questions of law to the Court.

88. Deny each and every allegation contained in paragraph “88” of the complaint and respectfully refer all questions of law to the Court.

89. Deny each and every allegation contained in paragraph “89” of the complaint.

90. Deny each and every allegation contained in paragraph “90” of the complaint and respectfully refer all questions of law to the Court.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AND COMPLETE AFFIRMATIVE DEFENSE

91. That plaintiff’s complaint fails to state a cause of action for which relief may be granted, as more specifically set forth in the following affirmative defenses.

AS AND FOR A SECOND AND COMPLETE AFFIRMATIVE DEFENSE

92. That the Court lacks personal jurisdiction over the defendants due to lack of proper service.

AS AND FOR A THIRD AND COMPLETE AFFIRMATIVE DEFENSE

93. That the claims against defendant Daley must be dismissed as he did not lease the property individually, and moreover, there is no individual liability at bar under the relevant statutes.

AS AND FOR A FOURTH AND COMPLETE AFFIRMATIVE DEFENSE

94. That removal of the alleged barriers is not readily achievable.

AS AND FOR A FIFTH AND COMPLETE AFFIRMATIVE DEFENSE

95. That the requested modifications would impose an undue burden on the defendants.

AS AND FOR A SIXTH AND COMPLETE AFFIRMATIVE DEFENSE

96. That Plaintiff lacks standing to bring this claim.

AS AND FOR A SEVENTH AND COMPLETE AFFIRMATIVE DEFENSE

97. That the defendants adequately provided access through readily achievable “alternative methods.”

AS AND FOR AN EIGHTH AND COMPLETE AFFIRMATIVE DEFENSE

98. That the defendants have not made any alterations (as that term is defined in the ADA) to the property subsequent to 1992.

AS AND FOR A NINTH AND COMPLETE AFFIRMATIVE DEFENSE

99. That the defendants satisfied the “maximum extent feasible” standard, and that the alterations sought are not technically feasible.

AS AND FOR A TENTH AND COMPLETE AFFIRMATIVE DEFENSE

100. That removal of the alleged barriers would fundamentally alter the nature of defendants' public accommodation.

AS AND FOR AN ELEVENTH AND COMPLETE AFFIRMATIVE DEFENSE

101. That Plaintiff is not entitled to damages under New York State or New York City law.

AS AND FOR A TWELFTH AND COMPLETE AFFIRMATIVE DEFENSE

102. That the court should not exercise its pendent jurisdiction over the state or city claims set forth in the complaint.

AS AND FOR A THIRTEENTH AND COMPLETE AFFIRMATIVE DEFENSE

103. That the property located at 57-59 Christopher Street is located in an Historical Landmarked District of the City of New York.

WHEREFORE, defendants request judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper

Dated: Mineola, New York
January 18, 2019

MIRANDA SLONE SKLARIN
VERVENIOTIS, LLP
Attorneys for Defendants
CHRISTOPHER & SEVENTH LLC,
PATRICK DALEY and 15 ACRES INC.

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To: All Counsel via ECF